IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 901 OF 2005

Rohinton Faredoon Deolaliwala ...Petitioner

Versus

Jagdish Hariram Badlani & Anr ...Respondents

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Mr. Milan Desai, Advocate for Petitioner

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 9TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioner. None for the respondent No.1

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 7421 of 2004 pending in the Court of learned Judicial Magistrate, First Class, III, Nashik. The said process has been issued under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate

issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a fresh revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision will be preferred within three weeks from today, hence, trial Court be directed not to record the plea till then. In view of the above, the trial Court is directed not to record the plea in the present case till then.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Criminal writ petition is disposed of.

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